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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HOM, SHICK C	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/887,676	HEUER, VOLKMAR	
	Examiner	Art Unit	
	Shick C. Hom	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *6-8* is/are allowed.

6)☒ Claim(s) *1-5 and 13-15* is/are rejected.

7)☒ Claim(s) *9-12 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/15/06 have been fully considered but they are not persuasive. In the pages 7-8 of the response, applicant argued that Katsube and Noven do not teach a synchronous digital network nor the use of synchronous transport modules is not persuasive because Noven in col. 9 lines 39-45 recite the ATM network being implemented using synchronous digital hierarchy (SDH) which clearly anticipate the use of a synchronous digital network and the ATM cells clearly read on the synchronous transport modules because a transport module is merely a standard or unit of measurement. The standard ATM cell being defined as having a payload of 48 octets, with each octet comprising eight bits clearly fit the definition of a transport module as claimed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

> the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsube et al. (5,930,259) in view of Noven (5,884,297).

Regarding claims 1 and 13:

Katsube et al. disclose the method of transmitting packets by way of a synchronous digital data transmission network in which the packets are in synchronous transport modules, using subunits of synchronous transport modules of the same size to establish logical virtual connections between network elements, entering the virtual connections into an address table, evaluating the target address of the packets and part of the packets from the network elements, on the basis of the address table and the target address, deciding which one of the virtual connections to use to transmit this data packet (see col. 3 lines 16-25 which recite the packet transmission node device, the routing table for storing virtual connection identifiers, and means for transferring the packet to output virtual connections determined by referring to the routing table according to the destination address of the packet; whereby the virtual connection is selected based on the qualities of service

corresponding to the packet clearly anticipate the means for evaluating the target address of data packets, and means for making a decision on the basis of the target address and the address table as to which one of the virtual connections is used to transmit the data packet as in claims 1 and 13).

Regarding claims 2-3:

Katsube et al. disclose the data packets come from a local area network LAN; in which the data packets are structured in accordance with the Internet Protocol (see col. 6 lines 51-56 which recite the local area network LAN connected to the packet reception unit and the packet being IP packet as in claims 2 and 3, respectively).

Regarding claims 4-5:

Katsube et al. disclose the target address being comprised of a network address and a host address and only the network address is evaluated in the intermediate network elements (see col. 1 lines 10-15 and lines 58-67 which recite transmitting and receiving packets by node device connected to a virtual connection oriented network and the abstract which recite packet destination addresses being stored in the routing table clearly reads on network address being evaluated in the network elements as in claim 4); and in which an a respective address table is stored in each network element and is prepared by a central

network management system (see col. 12 lines 55-57 which recite the virtual connection being realized by the management procedure as in claim 5).

For claims 1-5, and 13-15, Katsube et al. disclose all the subject matter of the claimed invention with the exception of a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) as in claims 1, 13; wherein the network element is a multiplexer or concentrator as in claim 14; and wherein the network element is a cross-connector as in claim 15.

Noven from the same or similar fields of endeavor teach that it is known to provide a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) (see col. 9 lines 24-45 which recite the synchronous digital hierarchy SDH network defined by the International Telecommunications Union ITU as in claims 1, 13); wherein the network element is a multiplexer or concentrator (see col. 11 lines 14-43 which recite the use tables in the multiplexers along the virtual paths as in claim 14); and wherein the network element is a cross-connector as in claim 15 (see Fig. 4 which shows the cross-connector network element). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to

provide a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU); whereby the network element is a multiplexer or concentrator; and wherein the network element is a cross-connector as in claim 15 as taught by Noven in the method and network element for transmitting data packets of Katsube et al. The synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) whereby the network element is a multiplexer or concentrator; and wherein the network element is a cross-connector can be implemented by providing the SDH network as defined by ITU and providing the multiplexer and cross-connector in the node device of Katsube et al. The motivation for using a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) being in order to provide a network for the method and device for transmitting data packets to function as designed and motivation for using the multiplexer and cross-connector in the node device being that it provides more efficiency for the method and device for transmitting data packets since the system can share bandwidth via multiplexing and switching data at the transmitting end.

Allowable Subject Matter

4. Claims 6-8 are allowed.

5. Claims 9-12 and 16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Bare discloses a router connections through switching networks using virtual circuits.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH SH

Seema S. Rao
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